

REMARKS

Entry of the above amendment is requested. With entry of this amendment, claims 1, and 11-27 are now in the case. Claims 2, 4, 6, 8, and 10, have been canceled. Claims 3, 5, 7, and 9 have been withdrawn by the examiner.

Applicants reserve the right to prosecute claims to cancelled subject matter in one or more continuing applications.

The Office Action states that the same amino acid sequence is identified by different sequence identifiers, SEQ ID NOs:5 and 6, and that Rule 1.821 (c) requires a sequence identifier for each sequence. The difference between SEQ ID NOs:5 and 6 is that SEQ ID NO:6 has an amidation at position 23.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Sheppard et. al., (WO 98/42840). Claim 1 has been amended to recite that the polypeptide consists of the amino acids shown in SEQ ID NOs:4, 5, or 6.

Newly added claims 11-27 are drawn to additional embodiments of SEQ ID NOs:4, 5, and 6 and do not represent new matter. For example, support for newly added claims 11, 13, and 15 can be found, for example, at page 9, lines 14-15 of the specification: "The resultant peptides are designated: zsig33-linker peptide, as shown in SEQ ID NOs:4-6...". Support for newly added claims 12 and 14 can be found, for example, at page 8, lines 6-12 of the specification: "The present invention is based in part upon the discovery of novel peptide fragments of a previously described secreted polypeptide known as zsig33 (Sheppard, WO 98/42840). Zsig33 (shown in SEQ ID NO:s 1 and 2) which has homology to motilin has been found to be transcribed in the gastrointestinal system. The novel peptide fragments (shown in SEQ ID NOs:4-6[]), ... have been designated zsig-33-linker...". Support for newly added claims 16-18 can be found, for example, at page 10, lines 20-21 of the specification: "Polypeptides of the present invention can be prepared with one or more amino acid substitutions, deletions or additions as compared to SEQ ID NOs:4-6...". And support for newly added claims 19-27 can be found, for example, at page 10, lines 20-28 of the specification: "These changes are preferably of a minor nature, that is conservative amino acid substitutions and other changes that do not significantly affect the folding or activity of the protein or polypeptide, and include amino- or carboxyl-terminal extensions, such as an amino-terminal methionine residue, an amino or carboxyl-terminal cysteine residue to facilitate subsequent linking to maleimide-activated keyhole limpet hemocyanin, a small linker peptide of up to about 20-25 residues, or an extension that facilitates purification (an affinity tag) as disclosed above."

Applicants note that in the set of papers accompanying Paper #9 (the most recent communication from the Office) was a Form PTO-1449 for a different application.

Pursuant to communication with the Office by telephone, Applicants will shred this Form PTO-1449.

If for any reason the Examiner feels that a telephone conference would expedite prosecution of the application, the Examiner is invited to telephone the undersigned at (206) 442-6752.

Respectfully Submitted,



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Enclosures:

Petition and Fee for Extension of Time (in duplicate)
Amendment Fee Transmittal (in duplicate)
Postcard